

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

3-15-07  
Sub M 130

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IN RE NEW YORK COUNTY  
ASBESTOS LITIGATION

NYCAL  
I.A.S. Part 39  
(Freedman, J.)

-----X  
This document Relates to:  
CHRISTIAN F. HOLINKA

✓ Index No. 114120-06

0030

NOTICE OF NO OPPOSITION  
SUMMARY JUDGMENT  
MOTION

002574

Plaintiff,

-against-

A.W. CHESTERTON COMPANY, et al.,  
Defendants.

**FILED**

APR 13 2007  
NEW YORK  
COUNTY CLERK'S OFFICE

PLEASE TAKE NOTICE that upon the attached No Opposition Summary Judgment Motion and Order, Baxter International Inc. ("BII") will move this Court, at the IAS Motion Part, Room 130 of the New York County Courthouse, 60 Centre Street, New York, New York on March 15, 2007, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order dismissing the Verified Complaint with prejudice as to BII.

PLEASE TAKE FURTHER NOTICE that pursuant to Section XVI of the New York City Asbestos Litigation Amended Case Management Order, dated February 19, 2003, opposition papers, if any, must be served upon the undersigned within 30 days from

SUPREME COURT  
STATE OF NEW YORK

**APPROVED**

I.A.S. MOTION  
SUPPORT OFFICE

☒ MOT ☐ X-MOT


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CLERK'S  
INITIALS

service.

Dated: New York, New York  
January 29, 2007

DRINKER BIDDLE & REATH LLP

By:   
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(212) 248-3140

-and-

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(415) 591-7675

Attorneys for Defendant  
Baxter International Inc.

To: SEE ATTACHED COUNSEL LIST

**Holinka v. A.W. Chesterton Company, et al.**

**Index No. 114120/06**

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New York County Supreme Court  
60 Centre Street  
New York, NY 10007  
Phone: 646-386-3208  
Fax: Does not accept faxes  
Law Clerk: David S. Cohen

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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(Freedman, J.)

Index No. 114120-06

Plaintiff,

-against-

A.W. CHESTERTON COMPANY, et al.,

Defendants.  
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**AFFIDAVIT OF SERVICE**

STATE OF NEW JERSEY    )  
                                  ) ss:  
COUNTY OF MORRIS     )

Timothy J. Fraser, being duly sworn, deposes and says:

I am over the age of eighteen and I am not a party to this action. I caused a true and correct copy of the Notice of No Opposition Summary Judgment Motion to be served on January 30, 2007, via Federal Express upon the following:

Benjamin Darche, Esq.  
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180 Maiden Lane  
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*(counsel for plaintiff)*

I caused a true and correct copy of the Notice of No Opposition Summary Judgment Motion to be served on January 30, 2007, via first class mail with adequate postage affixed thereto upon the following:

Julie Evans, Esq.  
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LLC)*

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New York, New York 10038  
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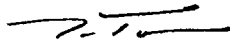
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(counsel for Rapid American Corporation)

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515 Valley Street, Suite 170  
Maplewood, New Jersey 07040  
(counsel for Rheem Manufacturing Company, Inc.)

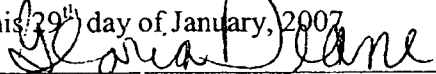
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New York, New York 10022  
(counsel for Univar USA, Inc.)

David F. Abernathy, Esq.  
Drinker Biddle & Reath LLP  
One Logan Square  
18<sup>th</sup> & Cherry Streets  
Philadelphia, Pennsylvania 19103-6996  
(counsel for VWR International, Inc.)

this being their last known address.

  
\_\_\_\_\_  
Timothy J. Fraser

Sworn to and subscribed before me on  
This 29<sup>th</sup> day of January, 2007

  
\_\_\_\_\_  
Notary Public

**GLORIA DEANE**  
**A Notary Public Of New Jersey**  
**My Commission Expires December 15, 2007**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In Re: NEW YORK CITY  
ASBESTOS LITIGATION  
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NYCAL

Index No. 114120-06

This Document Applies to:

CHRISTIAN F. HOLINKA,  
Plaintiff(s)

**NO OPPOSITION  
SUMMARY JUDGMENT  
MOTION AND ORDER**

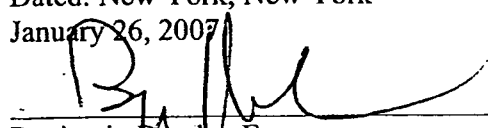
-against-

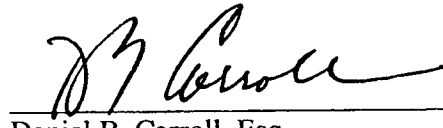
A.W. CHESTERTON COMPANY, et al.,  
Defendants.  
-----X

WHEREFORE, defendant Baxter International, Inc. hereby requests summary judgment in the above entitled case, pursuant to Civil Practice Law and Rules § 3212, dismissing plaintiffs' complaint against defendant Baxter International, Inc. with prejudice, and there being no opposition thereto,

ORDERED, that upon notice to all co-defendants, all claims and cross claims against defendant Baxter International, Inc. be and the same are hereby dismissed with prejudice and without costs.

Dated: New York, New York  
January 26, 2007

  
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Daniel B. Carroll, Esq.  
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(212) 248-3140

SO ORDERED, \_\_\_\_\_  
Hon. Helen E. Freedman

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

NYCAL  
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Index No. 114120-06

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CHRISTIAN F. HOLINKA,

Plaintiff,

-against-

A.W. CHESTERTON COMPANY, et al.,

Defendants.

**NO OPPOSITION SUMMARY JUDGMENT MOTION  
AND ORDER**

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Attorneys for Defendant, Baxter International Inc.

NYS SUPREME COURT  
RECEIVED  
JAN 30 2007  
IAS MOTION  
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